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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,160

11/12/2003

Peter J. Dix

17364

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37414

7590

10/05/2005

CNH AMERICA LLC
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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,160

Applicant(s)

DIX ET AL.

Examiner

Matsuichiro Shimizu

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-16 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04, 3/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another *filed* in the United States *before* the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1–3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Treharne (6,501,369).

Regarding claim 1, Treharne teaches access control of a fleet of vehicles (col. 1, lines 35–39, a fleet of vehicle) associated with a plurality of keys (col. 1, lines 55–60) including programmable embedded communication circuit (Fig. 1, col. 3, lines 55–65, programmable code 42 in the transponder 38). Furthermore, Treharne teaches a central computer associated with diagnostic tool 32 wired to controller 12 and operator's keys to gain access by inserting into key hole 18 (Figs. 1–2, col. 4, lines 59–65, inserting key in the programming mode in connecting with diagnostic tool–block 52 computer) to read and write mechanism associated with diagnostic tool 32 (col. 4, lines 59–65), and digital signal (col. 1, lines 23–29, digital signal associated with encrypted security code to be compared with stored values) to be compared with

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stored values in the central computer and the central computer being enable to access keys (Figs. 1–2, keyhole 18 associate with the computer including diagnostic tool 32, controller 23 and keyhole 18).

Regarding claim 2, Treharne teaches the key switch includes locking elements operable by the mechanical key portion (col.2, line 66 to col. 3, line 6, lock 16 and keys 36) of all of the plurality of vehicle keys.

Regarding claim 5, Treharne continues, as claimed in claim 1 to teach access control of a plurality of police cars, rental cars, limousines or service vehicles associated with sub-fleets (col. 1, lines 35–39, sub-fleet associated with police cars, rental cars, limousines or service vehicles) of the fleet of vehicles enrolled in the access control system.

Regarding claim 3, Treharne teaches the access control system of claim 2, wherein the mechanical key portion of all of the plurality of vehicle keys is an elongate member (Fig. 1, slender portion of key 36) wherein the key switch includes a plurality of moveable lock elements moveable (Fig. 1, col. 4, lines 1–2, unlock switch to “RUN or “RUN/START” by movable key 36) to unlock the key switch, and further wherein the elongate member has a plurality of recesses (Fig. 1, note recess of the key 38) oriented to couple with the plurality of moveable lock elements of the key switch to unlock the switch.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 4, the prior arts fail to teach or fairly suggest the workstation is operable to electronically receive and record digital data indicative of characteristics of the at least one work vehicle from a first vehicle *master* key, and to subsequently enroll the at least one work vehicle into the fleet.

Regarding claims 6-16, the prior arts fail to teach or fairly suggest an access control workstation including a central computer and a key reader and writer wherein electronically coupling a first key to the key reader and writer, the first key including characteristics of a first work vehicle stored in digital form, and electronically transmitting the characteristics of the first work vehicle from the first key to the central computer.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is 571-272-3066. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3068.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu
October 3, 2005



MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

